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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,670	.01/25/2001	Roy B. Carpenter JR.	RM26ii	5405
23996	7590	11/09/2005	EXAMINER	
RICK MARTIN PATENT LAW OFFICES OF RICK MARTIN, PC 416 COFFMAN STREET LONGMONT, CO 80501			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EV

Office Action Summary	Application No. 09/769,670	Applicant(s) CARPENTER, ROY B.	
	Examiner DHIRU R. PATEL	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-18 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-18 and 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action: {a} A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-9, 11-18, 20-30 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over

J. B. Godwin JR (3,453,493) in view of Peterson (4,940,859).

J. B. Godwin JR disclose:

Regarding claims 1 and 18, in a fluid/liquid storage tank 10 with a sidewall (see fig 1 and the entire column 2) and a floating roof 16 (see fig 1 and entire columns 2-3) floating atop the fluid/liquid (see fig 1), and conductor 20 being connected to the floating roof (see fig 1) and please note that Godwin also, disclosed that the material of the conductor 20 is optional (see column 2 lines 25-30), but fails to disclose a reel connected to the sidewall as well as said reel having a take up spool which keeps any slack out of the conductor and maintains a shortest fractional length.

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Peterson teaches the use of a reel 38 having take up spool with a telephone cord 39 (see fig 2) in order to provide a desire amount of slack and the excess length of telephone cord is stored within the take-up reel housing and can be reeled outward as required by the user (see column 1 lines 48-52), therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of J. B. Godwin with a reel having a take up spool as taught by Peterson for the conductor 20 in order provide a desire amount of slack and facilitate the excess length of said conductor being stored within the take-up spool and can be reeled outward as required by the user.

Regarding claim 8, a storage tank 10 having a floating roof 16 (see fig 1 and entire columns 1-2) , and a wire 20 having an end connected to the floating roof (see fig 1) and please note that Godwin also, disclosed that the material of the wire 20 is optional (see column 2 lines 25-30), but fails to disclose said wire having a second end wound around a spool in a reel , said spool having a take up mechanism to minimize slack in the wire and said reel having a connection to a wall segment of the tank . Peterson teaches the use of a reel 38 having take up mechanism with a telephone cord 39 (fig 2) in order to provide a desire amount of slack and facilitate the excess length of telephone cord is stored within the take-up reel housing and can be reeled outward as required by the user , therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of J. B. Godwin

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with a reel having a take up mechanism as taught by Peterson for the conductor 20 in order to provide a desire amount of slack and facilitate the excess length of said conductor being stored within the take-up mechanism and can be reeled outward as required by the user.

Regarding claims 12-13, a tank 10 with a floating roof 16 (see fig 1 and entire columns 1-2), , and cable 20 connected from the floating roof to an upper segment of said tank (see fig 1) and please note that Godwin also, disclosed that the material of the cable 20 is optional (see column 2 lines 25-30), but fails to disclose means for taking slack out of a cable connected from the floating roof to an upper segment of a tank wall and maintaining a minimum length. Peterson teaches the use of means 38 with a telephone cord 39 (see fig 2) in order to provide a desire amount of slack and the excess length of telephone cord is stored within the take-up reel housing and can be reeled outward as required by the user (see column 1 lines 48-52), therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of J. B. Godwin with means as taught by Peterson for the cable 20 in order provide a desire amount of slack and facilitate the excess length of said conductor being stored within the take-up spool and can be reeled outward as required by the user. With respect to claim 13, Peterson teaches the use of a reel 38 having take up spool (see fig 2).

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Regarding claims 3 and 20, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, including the take up spool further comprises a spring 45 (see fig 2, column 2 lines 50-60 of Peterson).

Regarding claims 4, 15 and 21, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, including the wire further comprises a bare braided copper cable or a braided conductor. It is noted that the modified assembly of the J. B. Godwin meets the structural limitations. please note that Godwin also, disclosed that the material of the cable 20 is optional (see column 2 lines 25-30).

Regarding claims 5 and 22, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, including further comprises a base and bolts 7 (see fig 1 of Godwin).

Regarding claims 6 and 23, see fig 1 and entire columns 1-2 of J. B. Godwin .

Regarding claims 7,11, 16, 24 and 29-30, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above. It is noted that the modified assembly of the J. B. Godwin meets the structural limitations. please note that Godwin also, disclosed that the material of the cable 20 is optional (see column 2 lines 25-30).

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Regarding claim 9, the modified assembly of the J. B. Godwin discloses all the features of the claimed invention as shown above, including the wire further comprises a flat braided copper cable. It is noted that the modified assembly of the J. B. Godwin meets the structural limitations.

Regarding claim 14, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, including the take up spool further comprises a spring 45 (see fig 2, column 2 lines 50-60 of Peterson) functioning to constantly pull up on the cable .

Regarding claim 17, the modified assembly of the J. B. Godwin discloses all the features of the claimed invention as shown above including a base and bolt 7 (see fig 1 of Godwin). It is noted that the modified assembly of the J. B. Godwin meets the structural limitations.

Regarding claim 25, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, but fails to disclose a plurality of said reels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of said reels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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Regarding claim 26, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, but fails to disclose a plurality of said reels and wires . It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of said reels and wires ,since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Regarding claim 27, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, but fails to disclose a plurality of said means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of said means, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Regarding claim 28, the modified assembly of the J. B. Godwin disclose all the features of the claimed invention as shown above, but fails to disclose a plurality of said reels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of said reels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-9, 11-18,20-30 have been considered but are moot in view of the new ground(s) of rejection.

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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983.

The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel

Primary Examiner

Group Art Unit 2831


DHIRU R. PATEL
PRIMARY EXAMINER
11/7/05